



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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**MEMO ENDORSED**

April 13, 2023

**VIA ECF**

Honorable Lewis A. Kaplan  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street,  
New York, NY 10007

Re: *Stinson v. C.O. Rothwell et al.* 18-CV-00027 (LAK)(BCM)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants C.O. Reginald Rothwell and C.O. Gregory Lopez ("defendants") in the above referenced matter. Defendants write to provide the Court with an update of defendant Lopez's military status and to respectfully request an adjournment of the May 16, 2023 trial to a date convenient for the Court and the parties after March 31, 2024. This is the second request for an adjournment of the trial. The undersigned attempted to contact *pro se* plaintiff via telephone on April 10, 2023 to discuss this request but was not able to speak with them and left a message.

As the Court is aware, defendant Lopez has been unavailable to participate in this trial because he has been on active duty with the New York National Guard, which was scheduled to conclude on March 31, 2023. *See ECF Nos. 169, 178.* Thereafter, the undersigned spoke with defendant Lopez and was advised that his Ordered Military Duty was extended for one year until March 31, 2024. A copy of defendant Lopez's Memorandum for Ordered Military Duty extending his military duty to March 31, 2024 is attached. Defendants previously explored the possibility of arranging for defendant Lopez to testify remotely, however, defendant Lopez's command was not willing to commit to a time for him to testify remotely, *see ECF 168 at fn. no. 1, 169,* and the undersigned has confirmed with defendant Lopez that there has been no change with his command in this regard. As such, defendant Lopez continues to be on military duty and is not expected to return until March 31, 2024.

For the foregoing reasons, defendants respectfully request an adjournment of the May 16, 2023 trial to a date convenient for the Court and the parties after March 31, 2024 to accommodate defendant Lopez's military service.

Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

Enc.

cc: VIA Regular Mail and Email: avionstinson@yahoo.com

Avion Stinson

560 Winthrop Street

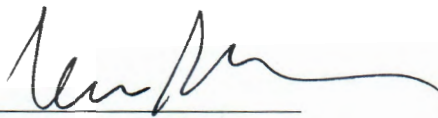
Brooklyn, NY 11203

PRO SE

Application granted. The May 16, 2023 trial is adjourned sine die. Corporation Counsel shall submit a status upon either the return of defendant Lopez, or by April 30, 2024, whichever comes first.

Corporation Counsel shall send a copy of this memo endorsement upon plaintiff *pro se* by mail and email and retain proof of mailing.

So Ordered:



Hon. Lewis A. Kaplan

United States District Judge

4/24/23